

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA and REGENXBIO INC.,

Plaintiffs,

v.

SAREPTA THERAPEUTICS, INC. and
SAREPTA THERAPEUTICS THREE, LLC,

Defendants.

C.A. No. 20-1226 (RGA)

JURY TRIAL DEMAND

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT THAT SAREPTA'S
INFRINGEMENT ACTIVITIES ARE NOT PROTECTED BY THE SAFE HARBOR OF 35
U.S.C. § 271(E)(1)**

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs REGENXBIO Inc. and The Trustees of the University of Pennsylvania hereby move this Court for summary judgment that Defendants Sarepta Therapeutics, Inc. and Sarepta Therapeutics Three, LLC's infringing activities are not protected by the safe harbor of 35 U.S.C. § 271(e)(1). The grounds for this motion are set forth in Plaintiffs' opening brief filed contemporaneously herewith.

Respectfully submitted,

/s/ Susan E. Morrison

Susan E. Morrison (#4690)
Casey M. Kraning (#6298)
Fish & Richardson P.C.
222 Delaware Avenue, 17th Floor
Wilmington, DE 19801
morrison@fr.com; kraning@fr.com

Brian D. Coggio (*pro hac vice*)
Jeremy T. Saks (*pro hac vice*)
Fish & Richardson P.C.
7 Times Square, 20th Floor
New York, NY 10036
coggio@fr.com; saks@fr.com

Kurt L. Glitzenstein (*pro hac vice*)
J. Peter Fasse (*pro hac vice*)
Fish & Richardson P.C.
One Marina Park Drive
Boston, MA 02210
glitzenstein@fr.com; fasse@fr.com

John R. Lane (*pro hac vice*)
Fish & Richardson P.C.
909 Fannin Street, Suite 2100
Houston, TX 77010
jlane@fr.com

Attorneys for Plaintiff
REGENXBIO Inc.

Dated: August 25, 2023

/s/ Amy M. Dudash

Amy M. Dudash
MORGAN, LEWIS & BOCKIUS LLP
1201 North Market Street, Suite 2201
Wilmington, DE 19801
amy.dudash@morganlewis.com

Eric Kraeutler
Julie S. Goldemberg
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103-2921
eric.kraeutler@morganlewis.com
Julie.goldemberg@morganlewis.com

Janice H. Logan
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
janice.logan@morganlewis.com

Attorneys for Plaintiff
The Trustees of the University of Pennsylvania